

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

NANCY GRABOWSKI, et al.,  
Plaintiffs,

v.

C.A. No. 09-03030-ML  
MDL Docket No. 07-1842-ML  
In Re: Kugel Mesh Hernia  
Repair Patch Litigation

DAVOL, INC. and C.R. BARD, INC.,  
Defendants.

ORDER

This case is one of a multitude of cases transferred to this Court by the United States Judicial Panel on Multidistrict Litigation as *In re Kugel Mesh Hernia Patch Products Liability Litigation*, MDL No. 1842, No. 07-MD-1842-ML (D.R.I.). The multidistrict litigation ("MDL") involves claims surrounding allegedly defective hernia repair patches designed and manufactured by Defendants Davol, Inc. and C.R. Bard, Inc., (together, "Davol"). The case brought by Nancy Grabowski ("Grabowski") and her husband Albert (together, the "Grabowskis"), both residents of Alabama, was chosen as one of a second series of bellwether cases and was scheduled for trial in May 2012. Pretrial Case Management Order from November 4, 2011 (Docket # 3674).

On January 25, 2012, Grabowski filed a first amended complaint. (Docket # 3726). Because Grabowski declined to waive her right to have the case tried where she originally filed it, on

February 13, 2012, this Court arranged for designation and assignment in the United States District Court for the Northern District of Alabama. (Docket # 3735). On February 14, 2012, the law firm representing the Grabowskis filed a motion to withdraw because the Grabowskis had terminated the firm's services. (Docket # 3736). The motion was subsequently revised and filed on February 15, 2012. (Docket # 3738).

In compliance with local rule CR Gen 206, the firm sent a copy of the revised motion to withdraw to the Grabowskis. The firm also notified the Grabowskis by certified letter that they could object to the revised motion and that any failure or delay in retaining substitute counsel would not be considered grounds for delaying the trial or any other matter scheduled in the case. (Docket # 3738). In view of those events, the Court granted lead counsel's motion to extend pretrial deadlines in this case for a period of 30 days. Text Order dated February 22, 2012.

On February 29, 2012, the Court received a letter from Nancy Grabowski, in which she expressed that she felt unable to continue with the lawsuit at this time. Docket # 3744. Grabowski requested "several more months to hear my case, as my husband is still searching for an attorney." Id. 1.

On March 2, 2012, the Court granted the motion to withdraw by the law firm which had thus far represented the Grabowskis. (Docket # 3746). At the same time, the Court set the trial to begin on

June 5, 2012 and it directed the Grabowskis to have successor counsel enter an appearance before March 30, 2012 or, alternatively, to file an entry of appearance representing themselves *pro se*. The Court also advised the Grabowskis that, if they failed to comply with its order, the case would be dismissed with prejudice. (Docket # 3746).

On April 2, 2012, the Court received a letter from Nancy Grabowski in response to its March 2, 2012 order. Grabowski stated that she had spoken to several lawyers, that she was unable to find someone to provide representation, and that she was "dropping the case." (Docket # 3769). No separate communication was received from Albert Grabowski.

In light of the foregoing events, the tenor of Nancy Grabowski's letter, and the absence of any objection by Albert Grabowski, the case is herewith dismissed with prejudice.

SO ORDERED.

/s/ Mary M. Lisi

Mary M. Lisi  
Chief United States District Judge

April 10 , 2012